

Freedom of Information request reference number: 8399.1

Date of response: 04/03/2024

Request:

The request forms three parts, namely;

A. Questions in relation to XACT: Xact Consultancy & Training Limited of 3 Abbey Lane Court, Evesham, Worcestershire, WR11 4BY provide a range of Fire Safety Courses to LFB, questions raised in this section relate to complaints received from XACT and acts of plagiarism by LFB staff.

B. Questions in relation to Career Break and Outside Employment: LFB has a policy that allows staff to take an unpaid career break from service. Questions raised concern enactment of this policy, any dispensation of its restrictions on allowable working hours and authorization of applications and appeals.

C. Questions in relation to Cultural Review: following the traumatic suicide by Jaden Matthew Francois-Espirit, in August 2020 an internal investigation recommended commissioning of an independent review. The Independent Culture Review was a thorough examination of the culture at London Fire Brigade, chaired by Nazir Afzal OBE and published in November 2022. An External Complaints Service was launched to capture complaints.

Questions in relation to XACT

A1. Have LFB receive any official complaints raised by XACT against any members of staff in relation to plagiarism?

A2. Have LFB receive any official complaints raised by XACT against any members of staff in relation to conduct or language?

A3. Were any complaints from XACT, if received, logged on any service complaints system?

A4. During any courses delivered by XACT to LFB were there any cases of plagiarism amongst the candidates from LFB?

A5. If so, can you confirm how many were and was this relayed to LFB at the time for disciplinary action?

A6. Can you confirm whether any disciplinary action was taken against those accused of plagiarism if so how many and what were the outcomes?

Questions in relation to Career Break & Outside Employment

B1. Can you supply a copy of the extant policy that relates to career breaks and any previous versions in force from July 2021?

B2. Can you supply a copy of the extant policy that relates to outside employment and any previous versions in force from July 2021?

B3. Can you confirm who signs off any application for a career break and is there any dispensation to disregard the restrictions on full-time work as detailed in the policy?

B4. What is the maximum term for a career break and can each period be extended or renewed?

B5. If a career break is rejected is there a right to appeal, and if so, who hears this appeal?

B6. Of the existing career breaks from question B1, how many of those have requested extensions up to and including the date of this letter?

Questions in relation to Cultural Review

C1. How many staff, subject to complaints have been granted career breaks?

C2. What percentage of staff, subject to complaints were suspended pending investigation?

C3. How many staff, subject to complaints have been allowed to resign?

C4. Of those allowed to resign, if any, have any kept all or part of their pension benefits?

C5. How many staff, subject to complaints have been given other outcomes short of termination, if so what outcomes were there?

Response:

Please see below for response to questions A 1-6 and C 1-5

Questions in relation to XACT

- A1. Have LFB receive any official complaints raised by XACT against any members of staff in relation to plagiarism?
- A2. Have LFB receive any official complaints raised by XACT against any members of staff in relation to conduct or language?
- A3. Were any complaints from XACT, if received, logged on any service complaints system?
- A4. During any courses delivered by XACT to LFB were there any cases of plagiarism amongst the candidates from LFB?
- A5. If so, can you confirm how many were and was this relayed to LFB at the time for disciplinary action?
- A6. Can you confirm whether any disciplinary action was taken against those accused of plagiarism if so how many and what were the outcomes?

Questions in relation to Cultural Review

- C1. How many staff, subject to complaints have been granted career breaks?
- C2. What percentage of staff, subject to complaints were suspended pending investigation?
- C3. How many staff, subject to complaints have been allowed to resign?
- C4. Of those allowed to resign, if any, have any kept all or part of their pension benefits?
- C5. How many staff, subject to complaints have been given other outcomes short of termination, if so what outcomes were there?

The only way to identify the above cases in regards to XACT and Cultural review would exceed the relevant time limit set out under the FOIA. This 'fees limit' is calculated by taking the cost limit appropriate to the Brigade (i.e. £450) divided by the standard rate at which a local authority (including the Brigade) can charge for this work (£25 an hour). This equates to 18 hours.

Using an average of 4 minutes for each discipline/grievance record (650+ cases), it will take 43.3 hours (4 minutes times 650 grievance/discipline cases, divided by 60 minutes equals 43.3 hours) to review all of the relevant records. I therefore confirm that the cost of providing the information you have requested is in the cost range of £1,083.33 which is greater than the "appropriate limit" of £450 as defined the FOIA fee regulations. In setting this out in full this now serves as a formal 'refusal notice' under [section 12 of the FOIA](#). If the cost exceeds the appropriate limit to comply with a request, a public authority is not obliged to comply with it.

Although I understand a formal refusal notice covers an FOI request in its entirety we do hold some easily accessible information for section B, we will provide this as below.

Questions in relation to Career Break & Outside Employment

- B1. Can you supply a copy of the extant policy that relates to career breaks and any previous versions in force from July 2021?

Please find attached a copy of the current policy on Career Breaks. Policy Number 0438 – Career Breaks

- B2. Can you supply a copy of the extant policy that relates to outside employment and any previous versions in force from July 2021?

Please find attached the current policy on Outside Employment. Policy number 0551 – Outside Employment

- B3. Can you confirm who signs off any application for a career break and is there any dispensation to disregard the restrictions on full-time work as detailed in the policy?

You can find this in the policy under Application Process.

B4. What is the maximum term for a career break and can each period be extended or renewed?

12 Months is the maximum term, this is also in the attached Career break Policy.

B5. If a career break is rejected is there a right to appeal, and if so, who hears this appeal?

The Grievance policy would apply as staff are able to grieve if they feel that a policy has been applied to them unfairly. This can be found [here](#)

B6. Of the existing career breaks from question B1, how many of those have requested extensions up to and including the date of this letter?

32 applicants were granted an extension to their career breaks from **February 2019 – February 2024.**

We have dealt with your request under the Freedom of Information Act 2000. For more information about this process please see the guidance we publish about making a request on our website: <https://www.london-fire.gov.uk/about-us/transparency/request-information-from-us/>

Career breaks

New policy number: **438**
 Old instruction number: **PER:G020:a2**
 Issue date: **20 June 2006**
 Reviewed as current: **4 October 2019**
 Owner: **Assistant Director, People Services**
 Responsible work team: **Employment Policy Group**

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1 Introduction

- 1.1 This policy sets out the circumstances in which a career break may be applied for and the application procedure.

2 Work life balance

- 2.1 The Brigade is committed to actively promoting diversity and to the provision of flexible employment practices that help employees to achieve a better work-life balance. The Brigade recognises that there may be periods when staff need or wish to take an extended period of leave from work. The career break scheme has been introduced as part of a package of work-life balance measures to meet this need.

3 Definition

- 3.1 A career break is an agreed period of **unpaid** absence from work. The period can range from three months to one year. In exceptional circumstances employees may apply to extend their period of absence to a maximum total period of two years, with the agreement of both the employee's head of service/ assistant commissioner/director and the Assistant Director, People Services. Employees will return to work in the same grade/role although not necessarily in the same job, posting or location.
- 3.2 It is entered in to by the Brigade, while there is a reasonable assumption the individual may return to employment with the LFB, it should not be used as a vehicle for early retirement, or to effectively resign early for any other reason.

4 Eligibility

- 4.1 The scheme is available to all permanent employees who have completed five years continuous service with the Brigade. There is not an automatic entitlement to a career break. A career break may be granted at the discretion of the Brigade. Although the granting of a career break will always be subject to the needs and requirements of the Brigade, the aim will be to meet employee's reasonable expectations. Employees can take a maximum of two career breaks with a minimum requirement of five years service between the end of one break and the beginning of the next break. Employees will not normally be eligible to apply for a career break if they are on a development programme (e.g. as part of a promotion process); subject to any live discipline (conduct, or performance) sanctions or investigations; or if they have an unsatisfactory attendance record. For the purposes of this policy, unsatisfactory attendance means someone within the capability process [Policy number 873](#) - The sickness capability process and in certain circumstances, on a live monitoring period. Disability related absence will be excluded from this consideration.

5 Criteria

- 5.1 The Brigade will consider granting a career break for the following reasons:
- Carer responsibilities including children, elderly, disabled or sick.
 - To attend full time education.
 - For reasons of personal development.
 - To perform voluntary work.
 - Extended trips overseas for charity and family commitments.

- 5.2 The above list is not exclusive and there may be other reasons for applications being considered. Each application will be judged on its own merits.
- 5.3 Staff will not be allowed to undertake full time employment whilst on a career break. Within this scheme full time paid employment means any activity for hire or gain (including holding office in a company, firm or business organisation) in which the employee is engaged for in excess of an average thirty hours per week over a reference period of twelve weeks. [Policy number 551](#) - Outside employment policy and section Jb of the Staff Code will continue to apply throughout the career break. Staff are advised to read [Policy number 551](#) – Outside employment policy and section Jb of the Staff Code carefully and where applicable, staff will require permission to undertake secondary employment. Any breach of the outside employment policy or section Jb of the Staff Code may be subject to disciplinary action.

6 Notice

- 6.1 Employees are required to give at least three months notice of their wish to take a career break. In exceptional circumstances the Brigade may agree to reduce the notice period.

7 Contractual issues

- 7.1 The contract of employment will continue for the duration of the career break and therefore this period will not be regarded as a break in service. This period will not count as reckonable service for pensions, long service leave, long service benefits, competent plus salary payment (uniformed staff only) medals or certificates, salary progression increases (FRS staff only), accrual of sick pay entitlement or redundancy. Service after the return to work date will be added to previous service (prior to the career break) for the provision of long service leave, salary incremental progression and redundancy. All pay and benefits (including sick pay and annual leave) will be suspended during the career break. Sick pay entitlement following the return to work will be based on the previous 12 month period, excluding the period of the Career Break. The employee's employment protection rights, both during the break and immediately upon return to work, will be safeguarded provided the employee complies with the terms of the Career Break Agreement.
- If an employee decides, at any time during the career break, not to return to work, notice must be given in accordance with the employees' conditions of service.
 - All accrued but untaken leave must be taken prior to the career break. Any leave not taken prior to the career break will be forfeited. If at the start of the career break the employee has taken more annual than they have accrued, this will be deducted from the employee's salary in the month preceding the career break, or as soon as possible thereafter.

Staff who are undertaking an apprenticeship must also seek confirmation from the Talent Manager in advance of the effect a career break can have. If absent for 28 days or more, an apprenticeship may be paused or stopped outright, depending on the circumstances. The request on these grounds alone is most likely to be declined.

8 Pensions

- 8.1 Members of the Local Government Pension Scheme (LGPS), the Firefighters' Pension Scheme (FPS) are advised to contact the Local Pensions Partnership to obtain detailed information on their pension situation.
- Local Government Pension Scheme: 0300 323 0260 LPP, Your pension Service, PO Box 1383, Preston, PR2 0WR
 - Firefighters' Pension Scheme: 0300 323 0260, LPP Your pension Service, PO Box 1383, Preston, PR2 0WR

- 8.2 Subject to the rules of the appropriate pension scheme applicable at the time, employees may be able to buy back service upon return to work. Employees are advised to obtain their own independent advice before making a decision which may affect their pension entitlement. Currently members of the LGPS and, FPS will be allowed to buy back service upon their return to work, which will be at the rate applicable to their salary at that time plus the employer's contribution rate.

9 Return to work

- 9.1 There may be a requirement for any member of staff on a career break to undergo familiarisation training before resuming their post. This may include a fitness assessment and health screening. The extent of this training will vary, taking into account the circumstances of each case, but will result in a 'training needs assessment plan' agreed between the individual and appropriate line manager in accordance with [Policy number 427](#) - Development and maintenance of operational professionalism (DaMOP). This will be in liaison with the Operations Support Team for Control staff.
- During the career break contact should be maintained between the employee, the manager and HR Services. The employee must provide a contact address and personal email address to their line manager, should there be a need to correspond during the break, this will also help verify identity. Arrangements should be made by the manager to have Shout forwarded together with information on developments either within the Brigade or within the employee's department.
 - Notice of any change of circumstances (change of address, personal email address etc.) should be forwarded to the line manager.
 - Although a return to work date is agreed at the time the career break is approved, the employee should confirm their intention to return to work in writing no later than two months before the return date. This notice should be sent to the line manager and a copy should be sent to HR Services.
 - If an employee wishes to apply to change the return date, this may only be done if it is within the scope of the career break scheme and with the agreement of the relevant assistant commissioner/assistant director. At least one month's written notice must be given by the employee in these circumstances.
 - An employee who fails to return to work following the end date of their career break, without appropriate authorisation e.g. in the form of an extension of the career break or the booking of annual leave will be deemed to have resigned on the day after the career break has ended.

10 Application process

- 10.1 Applications for a career break must be made on the appropriate form and submitted via the line manager to the employees' assistant director/deputy assistant commissioner no later than three months prior to the intended start date of the career break. In the case of operational staff, the deputy assistant commissioner must liaise with Operational Directorate Support Services prior to any decision being made. The application should detail the proposed commencement and termination date. In making the decision, the Brigade will consider the employee's eligibility to apply for a career break, the reasons for the request; and the business needs, (the career break quota). It should be noted that there will be a limit on the numbers of staff within each occupational group allowed to participate in the scheme at any one time and this will be taken into account when considering an application. A copy of the Career Break Application Form is attached as Appendix 1 and can also be found on: **Start/New office document/Forms(stations)/Personnel forms/Career break application form.**

10.2 The decision on an application for a career break will be communicated to the employee concerned by the employees' head of service or assistant director/ assistant commissioner as soon as possible. The application form, irrespective of the decision that has been made, will be sent to HR Services, 2nd Floor Union Street, for processing and monitoring purposes. In the case of operational staff, Operational Directorate Support Group will pass the application form to HR Services. All applications will be treated in confidence and strictly on their own merits. HR Services will arrange for the Career Break Agreement to be drawn up and employees will be required to sign the Agreement which sets out the terms and conditions of the break. A copy of this Agreement is attached as Appendix 2. A copy of the career break application and the Career Break Agreement will be placed on the employee's e-PRF.

11 Contact

11.1 Managers or staff who have any queries or would like further information on this provision should contact the HR Help Desk on extension 89100 (option 3), they can also contact Operational Directorate Support Services, 3rd Floor Union Street. Email: ODSGAdmin2@london-fire.gov.uk

Appendix 1 – Career break application form



LONDON FIRE BRIGADE

Application to:	Please select		
Employee Name			
Pay Number		Grade/Role	
Borough/Section			
Directorate			
First Day of Service			
Work address including contact number:			
Home address including contact number			
Personal email address:			
Date you wish your career break to start:			
Date you wish your career break to end:			
Duration of career break			
Reason for requesting a career break:			
Have you had a career break previously?			
If yes, what was the duration of your previous career break and date of return to work?			
Are you subject to any live disciplinary (conduct or performance) sanctions or investigation?			

Applicant Signature	
Signed:	
Print Name:	
Date:	

Line Manager Signature	
Signed:	
Print Name:	
Date:	
Role/Grade:	

Assistant Director/Head of Service/Deputy Assistant Commissioner Approval	
Operational staff only: Application must be cleared by Operational Directorate Support Services prior to approval.	
Approved/Declined	
If declined, please give reason	
Signed:	
Print Name:	
Date:	

Operational - Please forward all completed career break application forms (declined or approved) to Operational Directorate Support Services, 3 rd Floor, Union Street. ODSGAdmin2@london-fire.gov.uk
FRS - Please forward all completed career break application forms (declined or approved) to HR Services, 2 rd Floor, Union Street.

Appendix 2 - Career break agreement

This agreement is made between the London Fire Commissioner "the Brigade" and [*insert employee name*] "You" of *<Address of applicant>* *<pay number>* In this Career Break Agreement ("the Agreement") "Start Date" means [COMMENCEMENT OF BREAK] and "End Date" means [EXPECTED END OF BREAK] or such other date as the Brigade agrees in writing.

The "Career Break" means the period of time between the Start Date and the End Date.

The Career Break is approved subject to the conditions within the Brigade's Career Break Scheme and this Agreement.

The Career Break will commence on the Start Date *<insert date>* and will terminate on the End Date *<insert date>*. No later than two months before the End Date you must confirm in writing to your line manager your intention to return to work.

- 1 If you wish to apply to vary the End Date, you must write to your line manager no later than two months before the End Date, giving your reasons and a proposed new End Date. The End Date will only be varied if the Brigade (Deputy Assistant Commissioner or Assistant Director) has agreed in writing.
- 2 You undertake to provide *<insert name of relevant manager>* with a contact address, which should also include an email address, where the Brigade will be able to contact you with copies of Shout, to keep you advised of any developments and in the event of the need to consult with you on any proposed changes which could affect your employment. Further, you undertake to check your mail/email address at the details given no less than every 14 days.
- 3 Your terms and conditions of employment remain in accordance with those stated in your Contract of Employment dated *<insert date>* All benefits, emoluments and allowances are however suspended by this Agreement between the Start Date *<insert start date>* and the End Date *<insert end date>* -including:
 - **Salary (FRS/Control Staff).** Your current rate of pay is in accordance with LFC Fire and Rescue/Control Staff (delete as appropriate) rates of pay (*insert rate*). The Career Break is unpaid. Service after the return to work date will be added to previous service (prior to the career break) for the provision of the salary progression increase.
 - OR
 - **Salary (Uniformed Staff).** Your current rate of pay is in accordance with the NJC rate for (development/competent) – (delete as appropriate) – (*insert role*). The Career Break is unpaid. Upon your return to work at the end of the Career Break you will be placed on the appropriate rate of pay applicable at that time. Service after the return to work date will be added to previous service (prior to the career break) for the provision of the competent plus salary payment.
 - **Sick pay.** You will not accrue sick pay nor be entitled to sick pay for the duration of the Career Break. Your sick pay entitlement following the return to work will be based on the previous 12 month period, excluding the period of the Career Break.
 - **Leave.** Your leave entitlement is suspended and you will not accrue any annual or long service leave entitlement or option absence for the duration of the career break. If at the start of the career break you have taken more annual than you have accrued, this will be deducted from your salary in the month preceding the career break, or as soon as possible thereafter.
- 4 **Previous service.** Your service up to the Start Date will count towards any benefits based on length of service. The period of the Career Break will not count towards these benefits.

However, service after the Career Break will be added to previous service and count towards these benefits.

- 5 **Notice.** If you wish to resign during the term of your Career Break, you must give <insert number of weeks> notice. This must be in writing to your line manager. You may be required to return to work in order to work your notice period in accordance with your contract of employment.
- 6 **Return to work.** You are entitled to return to work in your current grade/role but not necessarily in the same job, posting or location. As part of the familiarisation process a training needs assessment plan will be drawn up for you by your line manager in accordance with [Policy Number 427](#) - Development and maintenance of operational professionalism (DaMOP). This may include a fitness assessment and health screening. If you are a member of Control, you will liaise with Operations Support Team for your training needs assessment plan. If you fail to confirm your intention to return to work in writing no later than two months before the return date, the Brigade will attempt to contact you again and is likely to use your emergency contact details to this end, making three attempts. If you then fail to return to work following the End Date outlined in this Agreement without appropriate authorisation, you will be deemed to have resigned from the day after the End Date.
- 7 **Pensions.** You acknowledge that it is your responsibility to seek advice on your position in respect of your pension.
- 8 **Change of circumstances.** During the Career Break you must give written notification of any change in circumstances that would normally be reported such as change of address.
- 9 **Other employment.** You must not undertake full-time paid employment during the period of the Career Break. In this Agreement full time paid employment means any activity for hire or gain (including holding office in a company, firm or business organisation) in which you are engaged for in excess of an average 30 hours per week over a reference period of 12 weeks. The Brigade's policy on outside employment will continue to apply throughout the career break. You are advised to read the Outside Employment Policy Number 551 and Section Jb of the Staff Code carefully, and, where applicable, seek permission to undertake secondary employment. Any breach of the outside policy or section Jb of the Staff Code may be subject to disciplinary action.

Signed ----- Date -----

Print name -----

(Employee)

Signed ----- Date -----

Print name -----

(On behalf of the Brigade)

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	03/10/2019	SDIA	03/10/2019	HSWIA	03/10/2019	RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	Minor changes made to relevant personnel and contact details to update policy.	08/01/2010
Throughout	Help desk extension numbers updated.	11/05/2010
Throughout	Department names updated in line with the Top Management Review.	25/10/2011
Page 3, para 7.1 Throughout	Line 3, "including vouchers" deleted. Central Operations changed to Operational Directorate Support Group. Incremental salary progression changed to Salary Progression increase. Training Department changed to HR Learning and Development Team. Information Bulletins changed to Shout.	28/06/2013
Page 9	SIA date has been added to this policy.	09/07/2013
Pages 5 and 6	Appendix 1 – career break application form has been updated.	02/08/2013
Page 9	Subjects list and FOIA exemptions table updated.	27/01/2015
Page 3, para 7.1 and Appendix 2 para 3, bullet point 3.	Insertion that sick pay will not accrue during a career break and that sick pay entitlement following the return to work will be based on the previous 12 months, excluding the period of the career break.	11/05/2015
Page 9, para 8.1	Updated contact details for London Pensions Fund Authority.	09/11/2015
Throughout	This policy has been reviewed as current with changes made throughout. Please re-read to familiarise yourself with the content.	04/10/2019
Page 5, para 11 Page 4, para 10 Appendix 1	Minor amendments made. Form pathway added. Career break form amended.	09/10/2019
Page 4, para 9.1 Throughout	The words 'his/her' replaced with 'their'. Hyperlinks updated.	12/08/2020

Subject list

You can find this policy under the following subjects.

Employment	Leave

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification

Outside employment policy

New policy number: **551**
Old instruction number: **PER:D015:a1**
Issue date: **7 January 2008**
Reviewed as current: **17 January 2024**
Owner: **Assistant Director, People Services**
Responsible work team: **Policy, Pay and Reward**

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1 Introduction

- 1.1 This policy sets out the Brigade's arrangements for staff undertaking outside employment and applies to all employees. The Brigade requires that the efficient and effective performance of your official duties shall not be impaired by you holding outside/secondary employment.
- 1.2 The Brigade has a duty, under regulation 6 of the Management of Health and Safety at Work Regulations 1999, to ensure you are provided with appropriate health surveillance. You should consider the possible impact that the nature of your outside employment may have on your overall personal health and effectiveness while carrying out your role within the organisation.
- 1.3 The Working Time Regulations 1998' (WTR) provide rules on maximum working hours and minimum breaks which the Brigade will apply to its employees including those balancing a secondary role outside of the Brigade and those on standby duty as a retained firefighter.
- 1.4 The following provisions are to ensure that employees do not exceed maximum working hours, have sufficient rest breaks and are reflected in the NFCC policy on Working Time:
 - A limit of an average of 48 hours per week (over a 17 week period).
 - A limit of an average of 8 hours' work in 24 hours for night workers if the work has any special hazards or results in physical or mental strain (although for purpose of continuity of service, staff engaged in 'civil protection services' are exempt from this provision).
 - A right to an uninterrupted 11 consecutive hours' rest per day or 24 hour period.
 - A right to a day off each week (24 hours, or 48 hours per fortnight).
 - A right to a 20 minute in-work rest break if the working day is longer than six hours.
 - A right to 90 hours of rest in a week.
- 1.5 It is your responsibility to comply with the above limits when you do undertake your permitted outside employment.
- 1.6 Uniformed operational staff on the shift or day duty system are not permitted to undertake outside employment without first obtaining the written consent of the Commissioner or the officer to whom the Commissioner has delegated the responsibility – see section 4 below. Approval is subject to the conditions contained in this policy and will not be unreasonably withheld.
- 1.7 Uniformed operational staff on the flexible duty system are not permitted to undertake outside employment without first obtaining the written consent of the Assistant Commissioner for Fire Stations. Due to the call-out commitment of the flexible duty system, consent will not normally be granted. Where consent is granted, the Brigade may apply such conditions and restrictions as it considers fit. Further, where consent is granted, this consent will be re assessed following any promotion (temporary or permanent) or on any other occasion where the applicant's role within the Brigade changes significantly.
- 1.8 Staff employed on fire and rescue service staff (FRS) and control officer terms and conditions are permitted to undertake outside employment without permission providing it does not conflict with any of the restrictions or conditions contained within this policy. If you are in any doubt as to the propriety of undertaking any proposed outside employment then you are expected to consult the assistant director (AD) people services. If you act in accordance with this provision and follow the advice given by the AD people services, then you will be deemed to have fulfilled your obligations in this respect.

2 Outside employment

2.1 What is outside employment?

"Outside employment" means paid or unpaid work outside of the Brigade and includes, without limitation:

- Working for hire or gain for any person, firm, company or organisation other than the Brigade.
- Carrying on a trade or business either in self-employment or as an employee of any organisation or business other than the Brigade.
- Holding office in any firm, company, organisation or business (e.g. as a company director or licensee of licensed premises).
- Any other undertaking of work or employment for a company or organisation which is unpaid or voluntary (e.g. cub scout leader, charity work etc).

2.2 "Work/working" and "employment" means activities involving mental or physical effort which involve a degree of regularity (i.e. more than once per quarter), and/or a mutuality of obligation or commitment between the employee and an external organisation/person.

2.3 The "appropriate manager" shall be a station commander (SC) for uniformed staff, FRS grade E or above for FRS staff, and operations manager (OM) or above for control staff.

2.4 "Head of service" is either head of service, assistant director or assistant commissioner as appropriate.

3 Restrictions/conditions on outside employment

3.1 You must not undertake outside employment which:

- Impairs or might reasonably be thought by the Brigade to impair your ability to act at all times in the best interests of the Brigade.
- May conflict with any of the Brigade's activities or interests. Please also see [Policy number 898](#) - Declaration of interests.
- May lead to suspicion of undue favour or improper influence being exercised, for example through contracts, or any kind of consent, permission, licence, etc. which the public seek from the Brigade.
- May bring the Brigade into disrepute.
- May jeopardise the safety of yourself, colleagues in the Brigade or the public because it means you are not in a fit state, for example because of inadequate rest periods. Please refer to [Policy number 357](#) - Health and safety.

3.2 Outside employment must not have a direct or indirect connection with any matters in which the Brigade has a statutory duty or responsibility.

3.3 The Fire and Rescue Services Act 2004 Part 4 section 37 states "No member of a police force may be employed by a fire and rescue authority for the purpose of discharging any of the authority's functions under this Act". The Brigade understands this does not apply to special constables.

3.4 The following conditions must be strictly observed:

3.5 Outside employment must not be undertaken for any person, firm or company which provides services provided by the Brigade, for example conducting fire safety activities within the London Fire Brigade area. If in doubt then you should consult your head of service or the AD people services and include the response in your application.

3.6 Outside employment must not be undertaken for any person, firm or company which provides services provided by the Brigade, for example conducting fire safety activities outside the London

Fire Brigade geographical area, which may nonetheless impact upon premises inside the London Fire Brigade. It is your individual responsibility to ensure that this condition is met before undertaking employment activities. If in doubt you should consult your head of service or the AD people services.

- 3.7 Outside employment must not be undertaken for any person, firm or company whose activities are relevant in any way to the performance of the Brigade's functions within or outside the London Fire Brigade which include but are not limited to the Fire and Rescue Services Act 2004 Section 6, and the Regulatory Reform (Fire Safety) Order 2005 Part 2 Fire Safety Duties.
- 3.8 Outside employment which conflicts with your work for the Brigade must not be undertaken. If in doubt you should consult the AD people services.
- 3.9 Outside employment must not be undertaken during your working hours for the Brigade.
- 3.10 Outside employment must not be undertaken on official premises or using Brigade equipment, computer facilities, resources or intellectual property at any time (even after working hours). This includes making or receiving telephone calls, sending or receiving e-mails or other forms of communication connected with outside employment.
- 3.11 In addition to there being no impairment of the proper execution of official duties, there must be no interference with any contractual requirement to work overtime or additional hours on such duties or to attend training courses or to work at any location or on any recognised duty system either on a temporary or permanent basis.
- 3.12 Outside employment must not be undertaken for a period of at least 11 hours before an you are due to report for work, training or other official duties with or for the Brigade.
- 3.13 Outside employment must not be undertaken for any person, firm or company who is, currently or periodically, an applicant to the Brigade for a statutory consent or permission, for a discretionary licence (e.g. petroleum licence), or for any purpose where the application is or would be dealt with by the department in which the employee is serving. If you propose to undertake outside employment for, or to hold any pecuniary (financial) interest in, any person, firm or company, then you are responsible for ascertaining from them whether they are applicants to the Brigade for any statutory consents or permissions.
- 3.14 Outside employment must not be undertaken for any person, firm or company:
 - (a) in a contractual relationship with the Brigade (e.g. for the provision/supply of goods, services or facilities); or
 - (b) concerned in any property (i.e. building/land) transaction with the Brigade;either directly or indirectly without first obtaining the written consent of the AD people services.

If you propose to undertake outside employment for any person, firm or company then you are responsible for ascertaining from the person, firm or company whether any contractual or commission relationship with the Brigade exists or is proposed.

If you undertake outside employment for any person, firm or company then you are responsible for advising the person, firm or company of your employment with the Brigade and the prohibition contained in this paragraph.
- 3.15 It is a condition in contracts entered into by the Brigade for professional work that employees of the Brigade shall not be employed by contractors without first obtaining the written consent of the AD people services.

- 3.16 Outside employment must not be undertaken by one employee for another employee, who is responsible for supervising them, or whom they supervise, in their work for the Brigade. If you are intending to employ another Brigade employee (with whom they must not be in any supervisory relationship) then you must obtain permission to do so from the appropriate manager.
- 3.17 Outside employment must not be undertaken for any person (other than a Brigade employee), firm or company with whom you deal with in the course of official duty. Outside employment must not be undertaken by you in any area of work that may reasonably be thought to bring or potentially bring the Brigade into disrepute. It is your responsibility to ensure that this condition is met before undertaking employment activities. If in doubt you should consult your head of service or the AD people services beforehand.
- 3.18 Under no circumstances must any article of Brigade uniform or equipment be worn or used for any purpose associated with outside employment. Please refer to [Policy number 320](#) - Wearing of uniform and personal appearance.
- 3.19 Under no circumstances must the name of the LFC or the Brigade or the fact that an employee is an employee of the Brigade be used in any way in connection with outside employment or any pecuniary (financial) interest, other than inclusion of such information as employment details on a CV or application form.
- 3.20 Outside employment must not be undertaken by employees absent from work on sick leave (including periods when they would not have been rostered for duty) unless the work is undertaken on the advice of the occupational health advisor **and** with the prior permission of the appropriate manager. Please refer to [Policy number 1005](#) - Supporting health and wellbeing policy.
- 3.21 You shall not disclose or make use of, for your private advantage, any information not available generally to the public which you may acquire in the course of your employment with the Brigade.
- 3.22 While occasional literary or artistic work is permissible, special consideration would have to be given to publication in any media on subjects relating to your individual employment with the Brigade. Permission must be gained before engaging in this type of activity.
- 3.23 In the event that you undertake outside employment for any person, firm or company, who subsequently applies to the Brigade for any statutory consent, permission, discretionary licence etc., or becomes involved in any contractual relationship or property transaction with the Brigade, you must immediately terminate the employment unless they have obtained the written consent of the AD people services. You should be aware that failure to comply with the requirements of this paragraph may, in addition to rendering yourself liable to disciplinary action, also give rise to criminal liability both at common law and under statute.
- 3.24 If you are in any doubt as to the propriety of undertaking any proposed outside employment then you are expected to consult the AD people services beforehand. If you act in accordance with this provision and follow the advice given by the AD people services then you will be held to have fulfilled their obligations in this respect

4 Permission to undertake outside employment by uniformed staff

- 4.1 As stated at paragraph 1.6 above, uniformed operational staff on the shift or day duty system must seek permission to undertake outside employment. A new permission must be sought on any occasion when you propose a change in the identity of the outside employer or in the nature of the outside employment undertaken, or for each individual instance/type of outside employment. Requests should be submitted to the appropriate line manager along with confirmation (and record where appropriate) of any AD people services approval or not. Applications may be submitted via the app, a link to which can be found on the Outside Employment page of Hotwire [here: https://londonfire.sharepoint.com/sites/HW-WorkingHere/SitePages/Outside-Employment.aspx](https://londonfire.sharepoint.com/sites/HW-WorkingHere/SitePages/Outside-Employment.aspx).
- 4.2 Staff must not accept an offer of employment with an outside employer until express permission has been given under the terms of this policy.
- 4.3 Permission to undertake reservist service in the Armed Forces will be approved by the assistant commissioner/head of service. The application must be submitted to the appropriate line manager. Please refer to [Policy number 947](#) - Outside employment in the reserve forces policy.
- 4.4 Applications to undertake outside employment where you will be externally employed (whether paid or voluntary) must detail the hours worked per week and should include with the application a full job description of the role applied for on official or company letterhead or headed e-mail. Where it is not possible to provide the job description with the application, this must be provided within 28 days of a granted permission. Failure to do so will normally result in the refusal or withdrawal of permission.
- 4.5 Applications to undertake outside employment where you will be self-employed must detail the hours worked per week and include a full description of the duties to be undertaken to include as much detail as required by the Brigade. These details should include specific reference and response to any part of the policy where it might reasonably be considered that a contravention may arise e.g. fire safety, disrepute, conflict of interest etc.
- 4.6 In all cases where permission is granted, it must be clearly understood that the Brigade reserves the right to withdraw or otherwise amend the terms of that permission, at any time, on one month's notice (or sooner in some cases as set out at 7.1 and 7.3).
- 4.7 Permission will not be granted for any outside employment the nature of which, in the opinion of the Brigade, is dangerous or otherwise poses a risk of serious injury or illness to you or which conflicts or may reasonably be thought to conflict in any other way with the stipulations set out in this policy. The Brigade may require you or your outside employer to indemnify the Brigade against potential liabilities and losses arising from any injury sustained by you during the course of outside employment.
- 4.8 Trainee firefighters (TFFs) will be advised at their 'Welcome Day' of the procedures to follow and the expectation of not undertaking outside employment during initial training. Other than in exceptional cases to be approved by AC fire stations, an application to undertake new outside employment for TFFs can only be made following posting to a station and submitted to their station commander. Where a TFF joins the Brigade already holding outside employment, and does not wish to relinquish this pending posting to a station (which may be agreed, for example, in respect of outside employment as a retained firefighter or a reservist) they should contact their course lead in the first instance who will forward the request to an appropriate manager. In this situation the TFF is not expected to undertake outside employment activities during initial training. On completion of initial training, receiving stations will be notified of TFFs' outside

employment status, e.g. a pending application, or existing outside employment having been approved if appropriate.

- 4.9 Uniformed operational employees who temporarily move from the shift or day duty system to the flexible duty system (e.g. because of temporary promotion or acting up) will normally be required to cease outside employment for the duration of the temporary move (in line with paragraph 1.6 above).
- 4.10 A confidential record containing details of permitted outside employment will be maintained by Central Operations Business Support (COBS) and copies of permissions will be kept on each individual's personal record file (e-prf) and retained in accordance with [Policy number 788](#) - Electronic personal record file .
- 4.11 Permission is subject to you providing details of the weekly hours worked for your outside employment and re-applying for permission should these weekly hours notably change. This is to ensure that both the Brigade and you comply with the Brigade's and your health and safety responsibilities and the working time regulations. The Brigade will regularly confirm the status of your outside employment, and hours, it is your responsibility to ensure they are accurate.

5 Processing applications

- 5.1 An application to undertake or change outside employment should be submitted initially to the appropriate manager (see paragraphs 1.6 and 4.1 above). This manager should consider the application and all the appropriate factors (including the hours to be worked and any other approved applications) and make a recommendation on whether the application should be granted or refused within 14 days.
- 5.2 The manager (station commander/FRS E/operations manger) should meet with you to discuss your application and to confirm that you understand the provisions within this policy and your responsibilities to comply with them. In addition, the manager may discuss your welfare with you because it is recognised that there maybe financial challenges which mean staff have to undertake additional paid employment. Such challenges may affect wellbeing, so managers should refer to [Policy number 1005](#) - Supporting health and wellbeing policy.
- 5.3 The application should then be sent for consideration and processing by selecting a recommendation within the app, adding any appropriate notes in support of the decision and then using the 'submit' option.
- 5.4 The final decision on whether or not a request for permission will be granted, and whether any restrictions will be applied, will be made within 14 days following consideration by officers in Central Ops. This consideration will include the appropriate manager's recommendation and any policy implications where appropriate.
- 5.5 Once a final decision has been made, the applicant and appropriate manager will be notified of the outcome and, if agreed, provided with an approval reference number. It is not until this point that permission to undertake (or change) outside employment should be considered granted. Applicants whose permission has been refused will be notified in the same, way, including, where appropriate, the reasons for a refusal, but without a reference number.

6 Sickness

- 6.1 Working whilst on sick leave (unless undertaken on the advice of the occupational health advisor and with the prior permission of the appropriate manager), whether paid or unpaid, will be regarded as working without permission and this will be regarded as a serious breach of

discipline, which could lead to dismissal for a first offence. Please refer to [Policy number 481](#) - Disciplinary rules.

- 6.2 You are not precluded from maintaining your status as a landlord or from holding a position in a company whilst you are off sick. However, you must not undertake work in this regard whilst on sick leave.
- 6.3 Uniformed employees, who are on sickness absence as a result of an injury or infirmity (physical or mental impairment), which may be attributable to outside employment, must inform the appropriate manager in writing. You also need to inform the Brigade of any exposure to hazardous substances whilst undertaking outside employment whether you are absent sick or not.
- 6.4 Uniformed employees absent from duty by reason of sickness or injury, which in the opinion of the appropriate manager, acting as necessary on medical advice, is wholly attributable to outside employment, will be entitled to only such sick pay, if any, as the AD people services may determine.
- 6.5 If you wish to provide insurance to cover loss of sick pay then you will meet any costs incurred. You will be required to notify your line manager if you know or should reasonably know that the reason for your absence is attributable to your outside employment

7 Withdrawal of permission for outside employment

- 7.1 The Brigade reserves the right to withdraw permission for outside employment where it is reasonably deemed necessary to do so. This might include for example concerns for the staff members current health and wellbeing. In such instances you will be provided details by your manager of why your permission for outside employment is being withdrawn and you will have an opportunity to discuss this further. A record should be made by the manager with a copy given to you and to be saved on to your e-prf. Managers can seek advice from the HR Helpdesk.
- 7.2 If you are seeking restoration of permission for outside employment then you must submit a new application via the app for initial consideration by your line manager in accordance with paragraph 4.1. Such applications will be processed without delay.
- 7.3 Where, in the opinion of the Brigade, continuation of the outside employment;
 - poses a risk of serious injury or illness to you, your colleagues or a member of the public,
 - may hamper your return to work from sickness absence, or
 - conflicts or may reasonably be thought to conflict in any other way with the stipulations set out in this policy.

8 Disciplinary action

- 8.1 If you are found to be in breach of the terms of this policy, you may face disciplinary action. Undertaking outside employment without permission or breaching any of the conditions will be regarded as a serious breach of discipline and in certain circumstances could lead to dismissal for a first offence. Please refer to [Policy number 481](#) - Disciplinary Rules and [Policy numbers 392a](#) and [392b](#) - Disciplinary procedure.
- 8.2 It is the duty of all managers to bring to the notice of the head of service/assistant commissioner, as a disciplinary matter, any reasonably suspected breach of this policy.

9 Review procedure

- 9.1 You have the right to appeal against any decision made under this policy through the Brigade grievance procedure.

10 Records

- 10.1 Records will be kept on your electronic personal record file (e-prf) and retained in accordance with [Policy number 788 - Electronic personal record file](#).

11 Help and support

- 11.1 Please contact the HR Helpdesk on extension 89100 (option 3) and by email to IT.HR@london-fire.gov.uk or contact Central Operations Business Support (COBS) by email to ODSGAdmin2@london-fire.gov.uk

Document history

Assessments

An equality or sustainability impact assessment and/or a risk assessment was last completed on:

EIA	06/02/23	SIA	L - 14/06/23	HSWIA	01/08/23	RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Page 2, para 1.4	Wording – the Authority understands this does not apply to special constables – added.	16/04/2009
Page 5, para 3.20	Wording - special constables are not regarded as members of a police force - added.	16/04/2009
Throughout	Control commander replaced by operations manager in line with the current job title.	03/11/2010
Throughout	Department names updated in line with the Top Management Review.	27/10/2011
Page 7 para 6.1	This paragraph has been updated please read to familiarise yourself with the content.	17/09/2013
Page 11	SIA date added.	08/10/2013
Page 5, para 4. 1 to 4.3	Anti-bribery statement added.	29/04/2014
Page 12	Subjects list and Freedom of Information Act exemptions tables updated.	03/02/2015
Page 3, para 2.4	New definition of 'work/working' and 'employment' added.	18/01/2018
Page 5, para 4.2	Words 'engage with recruitment processes' amended to 'accept an offer of employment'.	
Page 4 and 5 (paras. 3.11, 3.12 and 3.21)	Addition of words 'without first obtaining the written consent of the Head of HRM'.	
Page 7, para 6.2	Clarity provided on employees who undertake outside employment by virtue of a status e.g. landlord or company director.	
Throughout	References to absence of '7' and '21' days in 12 months and 3 years respectively, amended to '14' and '42' days.	
Throughout	Re-arranged paragraphs e.g. disciplinary section moved from paragraph 6 to paragraph 8.	

Page/para nos.	Brief description of change	Date
Throughout	Minor changes to wording on Page 2, para 1.7.	30/01/2018
Throughout	Minor changes to wording on Page 7, para 7.2, 7.4 and 9.1.	
Page 8 and 9	Changes to wording of question 5 in Appendix 1 and declaration.	
Throughout	Reviewed as current with the following changes made.	12/10/2020
Page 1	Owner title changed from 'Head of Human Resource Management' to 'Assistant Director, People Services'.	
Page 2, para 1.7	'Head of Human Resource Management (Head of HRM)' replaced with 'assistant director, people services'.	
Throughout	The word 'Authority' replaced with 'Brigade' due to the abolition of the LFEPA and 'LFEPA' replaced with 'LFC'.	
Page 9	'Station manager' replaced with 'station commander' due to role to rank changes.	
Page 2, para 2.1	Additional sentence re (TFF's).	
Page 6, para 4.8	Additional paragraph re TFF's and arrangements when posted to station.	
Throughout	Appendix 1 Application Form removed, and replaced with references to new e-form and e-mail address where it can be obtained from reflecting procedural changes to how applications are processed.	30/10/2020
Page 2, Para 2.1	Sentence removed modified and entered in para 4.8 re modifying application process post RB discussion.	25/06/2021
Page 6, Para 4.8	Modified paragraph	
Throughout	Changes to title from head of HRM to AD people services.	
Page 5, Para 4.1, Page 6 Para 5.3, Page 7, Para 7.3	Modifications linking to the revised administration and new app with link.	06/04/2022
Page 6, Para 5.1 Para 5.2 & 5.3 Page 7, Para 7.1 & 7.2 Throughout	Reference to attendance deleted. Both Paragraphs deleted. Both paragraphs deleted with new wording in Para 7.1 regarding the possible withdrawal of outside employment. Hotwire links updated.	19/12/2022
Page 6, Para 4.10	Updated to include reference that applications are retained in accordance with PN0788 - E-prf. SDIA updated.	24/07/2023
Page 9	SDIA and HSWIA updated.	04/08/2023
Page 6, para 4.10	Reference to PN0588 corrected to PN0788.	05/09/2023
Throughout	Modified to include monitoring requirements under Working Time Rules (WTR) and addressing HMI and MOPAC feedback including NFCC WTR information.	17/01/2024

Subject list

You can find this policy under the following subjects.

Employment	Outside employment
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Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification